

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:)	Chapter 7
)	
LIVE NATURALLY, LLC,)	Bankruptcy Case No. 16-30739
d/b/a Haute Exclusive)	
d/b/a The Royal Orchid Event Centre)	
)	
Debtor.)	
<hr style="border: 0.5px solid black;"/>		
)	
BARRINGTON BOYD,)	
)	
Appellant,)	
)	Case No. 3:16-cv-00597-GCM
vs.)	
)	
CAROLINA PARKWAY, LLC,)	
LIVE NATURALLY, LLC, and)	
BANKRUPTCY ADMINISTRATOR,)	
)	
Appellees.)	
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This matter is before the Court upon Appellees' Motion to Dismiss Appeal for Appellant's Failure to File Timely Notice of Appeal. On July 15, 2016, the bankruptcy court entered an Order Converting Case to Chapter 7, Appointing Interim Trustee and Setting Bond. Under the provisions of Federal Rules of Bankruptcy Procedure, Rule 8002(a), Appellant was required to file a Notice of Appeal on or before July 29, 2016. Pursuant to Rule 8002(b), the fourteen-day period to file a Notice of Appeal can be extended only based upon a timely motion of the type-specified within Rule 8002(b)(1)-(4). Appellant did file an Amended Motion for Stay Pending Appeal under Rule 8005, however, a motion under Rule 8005 is not a motion within the type-specified to extend the fourteen-day period under Rule 8002(b). Appellant filed his Notice of Appeal on August 2, 2016. By virtue of Appellant's failure to file a Notice of

Appeal or a motion of the type- specified in Rule 8002(b) in a timely manner, the Order under appeal became final on July 29, 2016. Accordingly,

IT IS THEREFORE ORDERED that Appellees' Motion to Dismiss Appeal for Appellant's Failure to File Timely Notice of Appeal is hereby GRANTED and the instant appeal is hereby dismissed with prejudice as untimely filed.

Signed: September 22, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

